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1 s 2 3 4 5 6 7 8 9	BOARD OF REGIS	RE THE STERED NURSING CONSUMER AFFAIRS	
10	STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against:	Case No. 2010-150	
12	JAN FRANCES DARSEY	2010 (00	
13	AKA JAN FRANCES AKER 1744 So. Tuxedo Ave. Stockton, CA 95204	ACCUSATION	
14			
15	Registered Nurse License No. 542965  Respondent.		
16	Respondent.		
17	Complainant alleges:		
18	<u>PARTIES</u>		
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her		
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),		
21	Department of Consumer Affairs.		
22	2. On or about April 24, 1998, the Board issued Registered Nurse License Number		
23	542965 to Jan Frances Darsey ("Respondent"). Respondent's registered nurse license was in full		
24	force and effect at all times relevant to the charges brought herein and will expire on March 31,		
25	2010, unless renewed.		
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STATUTORY PROVISIONS

- 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
  - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

## **COST RECOVERY**

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## **CAUSE FOR DISCIPLINE**

## (Unprofessional Conduct)

7. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), in that on or about June 28, 2007, while employed as a registered nurse in the emergency department at St. Joseph's Medical Center ("SJMC") in Stockton California, Respondent was guilty of unprofessional conduct in her care of patient J. M., as follows: On the date indicated above, patient J. M. arrived in the emergency department at SJMC with a gunshot wound to his shoulder. The patient had a chest tube inserted and was yelling and cursing at the doctors and staff, including Respondent, about the pain he was in. Respondent asked the patient several times to be quiet and to stop calling her a "bitch", then slapped him on the left side of his face.

## **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 542965, issued to Jan Frances Darsey;
- 2. Ordering Jan Frances Darsey to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
  - 3. Taking such other and further action as deemed necessary and proper.

DATED:	9/28/09	_ Louise L. Daile
_		LOUISE R. BAILEY, M.ED., RN

Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs

State of California Complainant

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